



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 3791-00
17 November 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 7 January 1981 at the age of 20. Your record reflects that on 9 September 1981 you were convicted by special court-martial (SPCM) of three periods of unauthorized absence (UA) totalling 61 days and were sentenced to confinement at hard labor for three months and reduction to paygrade E-1.

Your record further reflects that on 24 March 1982 you received nonjudicial punishment (NJP) for disobedience and were awarded a \$50 forfeiture of pay. On 10 June 1982 you received NJP for a three day period of UA and two incidents of disobedience. The punishment imposed was forfeitures totalling \$100 and restriction and extra duty for 14 days.

On 25 April 1983 you received NJP for dereliction in the performance of your duty and were awarded a suspended reduction in rate and a \$325 forfeiture of pay.

Subsequently, on 9 June 1983, you were notified of pending administrative separation action by reason of misconduct due to a

pattern of misconduct. At this time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. Your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to a pattern of misconduct. The discharge authority directed your commanding officer to issue you an other than honorable discharge and on 22 June 1983 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and good post service conduct. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your misconduct, which resulted in three NJPs and a court-martial conviction. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director